

Message

From: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Sent: 5/26/2016 12:31:49 AM
To: Kaiser, Sven-Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ac78d3704ba94edbbd0da970921271ff-SKAISER]
CC: Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fd3eb96e8b78-Distefano,]
Subject: Re: Environmental Statutes.docx

Thanks, but really, don't mess up your evenings! This is just an extra.

Michal Ilana Freedhoff, Ph.D.
Director of Oversight and Investigations
Office of Senator Edward J. Markey (D-MA)

From: Kaiser, Sven-Erik
Sent: Wednesday, May 25, 2016 8:27 PM
To: Freedhoff, Michal (Markey)
Cc: Distefano, Nichole
Subject: Re: Environmental Statutes.docx

We're on it now!

On May 25, 2016, at 7:24 PM, Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov> wrote:

Don't do anything after 9pm! Under any circumstances. Tomorrow is fine - let me know if before noon would work, and if not, also no worries.

Michal Ilana Freedhoff, Ph.D.
Director of Oversight and Investigations
Office of Senator Edward J. Markey (D-MA)

From: Kaiser, Sven-Erik
Sent: Wednesday, May 25, 2016 7:10 PM
To: Freedhoff, Michal (Markey)
Cc: Distefano, Nichole
Subject: Re: Environmental Statutes.docx

Michal - I'm sorry to report that we're tapped out for the next couple of hours. What's the latest you can use the info (I can check the dates after 9pm). Thanks,
Sven

On May 25, 2016, at 6:49 PM, Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov> wrote:

Maybe send it to those people then? :-)

Michal Ilana Freedhoff, Ph.D.
Director of Oversight and Investigations
Office of Senator Edward J. Markey (D-MA)

From: Kaiser, Sven-Erik
Sent: Wednesday, May 25, 2016 6:48 PM
To: Freedhoff, Michal (Markey)
Cc: Distefano, Nichole
Subject: Re: Environmental Statutes.docx

Got it- checking- I don't think we currently have any official historians although some might think of themselves that way.

On May 25, 2016, at 6:45 PM, Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov> wrote:

Do you guys have a historian who can fact check this for me? in a fairly quick timeframe? The vote in question would be the conference report or the pingpog vote on the final bill version, as opposed to each chamber's vote on its respective versions?

You can see from this that TSCA may end up being among the stronger bipart votes, which is amazing given where it started.

Thanks

Michal

Message

From: Kessler, Rick [Rick.Kessler@mail.house.gov]
Sent: 12/5/2016 5:35:09 PM
To: Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fd3eb96e8b78-Distefano,]
Subject: TSCA Moratorium in Energy Bill

4 SEC. 3303. LIMITATION ON AUTHORITY TO REGULATE FISH-
5 ING TACKLE.

6 During the period beginning on the date of enactment
7 of this Act and ending on September 30, 2028, the Admin-
8 istrator of the Environmental Protection Agency shall not
9 regulate the use of fishing tackle based on the lead content
10 of the tackle under the Toxic Substances Control Act (15
11 U.S.C. 2601 et seq.).

Rick Kessler
Senior Advisor &
Staff Director for Energy and Environment
Committee on Energy and Commerce Democratic Staff
(202) 225-4407

Message

From: Repko, Mary Frances [Mary.Frances.Repko@mail.house.gov]
Sent: 11/6/2015 11:18:34 PM
To: Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fd3eb96e8b78-Distefano,]; Bauserman, Trent
Subject: RE: Amendments

Thanks on both.

From: Distefano, Nichole [mailto:DiStefano.Nichole@epa.gov]
Sent: Friday, November 06, 2015 6:18 PM
To: Repko, Mary Frances; Bauserman, Trent
Subject: RE: Amendments

Another one:

Young - Requires the agency to disclose information on which a rule is based including data, studies, and cost-benefit analyses to the public.

We have several concerns which I have tried to articulate below:

First, the scope of the rulemakings covered by the amendment are not clear. The amendment refers to "a rule made to carry out this Act or the amendments made by this Act." Because this is a lengthy bill covering a wide range of topics, we are not sure what EPA regulatory actions might be covered. If this were interpreted to exclude actions deriving from EPA's fundamental statutes like the Clean Water Act, Clean Air Act, TSCA, RCRA, etc., our concern would be lessened but not eliminated. We do note that future amendments to the Transportation Bill could expand the regulatory actions that could be covered.

Second, it is unclear what information would need to be made available. For EPA rulemakings, the data and information underlying the rulemaking is typically made available in the public rulemaking docket, often pursuant to an existing statutory requirement. For example, CAA Sec. 307(d) requires EPA to make public in the docket "all data, information, and documents...on which the proposed rule relies." If the amendment expands the scope by, for example, requiring the data underlying published papers be made publicly available, that could have significant detrimental consequences for EPA's ability to consider the best available science in carrying out its work. There could be an implication that any information used as the basis of a rulemaking must be made available to the public. There are significant categories of information used as the basis of rulemaking that are not currently made available to the public: confidential information, such as CBI, individual health data, and personal identifying information, among others. Notably, there is no indication that this proposed amendment overrides or does not override other existing nondisclosure laws nor does the amendment provide for the protection of this information. An argument potentially could be made that this more recent statute, if passed in this form, overrides the other laws for purposes of the Transportation Bill.

Third, this provision might also be interpreted as precluding reliance on any information that is not available online. In addition to the information discussed above that is excluded from disclosure under current law, there are categories of information that are currently not made available online for all rulemakings: a) data underlying peer reviewed studies, and b) the basis for some smaller actions that are not placed on the regulations.gov website.

Lastly, there is some concern that this may impose a significant economic and time burden on the academic research community.

Nichole Distefano
Deputy Associate Administrator
Office of Congressional and Intergovernmental Relations
Environmental Protection Agency
(202) 564-5200
Distefano.Nichole@epa.gov

From: Distefano, Nichole
Sent: Friday, November 06, 2015 5:06 PM
To: 'Repko, Mary Frances' <Mary.Frances.Repko@mail.house.gov>; Bauserman, Trent
(b) (6) >
Subject: Amendments

MF and Trent

Sending along some thoughts on amendments as I get them. Here is one I wanted to flag.

Mullin_30 - Requires the Administrator of the Environmental Protection Agency to ensure that in promulgating regulations any preference or incentive provided to electric vehicles is also provided to natural gas vehicles.

- With respect to both our light-duty (LD) and heavy-duty (HD) GHG regulations, we strongly oppose
- Very open-ended, requires same "preferences or incentives" for CNG vehicles as electric vehicles
- Not justified as EVs have potential to be GHG game-changes with low-GHG electricity, while CNG vehicles use a fossil fuel with no such game-changing potential
- Would require us to make retroactive changes to National Program, which was negotiated at high levels with multiple stakeholders
- Because NG is a very viable HD fuel, HD incentives would essentially be bonuses for use that would likely have occurred, and would dilute the HD GHG program
- Would not result in any incentives for NG, but could result in EV incentives being eliminated

Nichole Distefano
Deputy Associate Administrator
Office of Congressional and Intergovernmental Relations
Environmental Protection Agency
(202) 564-5200
Distefano.Nichole@epa.gov

Message

From: Repko, Mary Frances [Mary.Frances.Repko@mail.house.gov]
Sent: 12/18/2015 12:07:03 AM
To: Bauserman, Trent (b) (6) Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fdc3eb96e8b78-Distefano,]
Subject: FW: Floor Update: Senate passes H.R.2576, TSCA

Flagging the Senate-version of TSCA passed the Senate by UC tonight. Kind of a surprise to us. My plan is to have my floor staff hold this at the desk and not refer it until we decide how we are moving forward.

From: McDonough, Alexander (Reid) [mailto:Alexander_McDonough@reid.senate.gov]
Sent: Thursday, December 17, 2015 6:26 PM
To: Repko, Mary Frances
Subject: FW: Floor Update: Senate passes H.R.2576, TSCA

From: Tinsley, Daniel (Dem-Floor)
Sent: Thursday, December 17, 2015 6:25:59 PM (UTC-05:00) Eastern Time (US & Canada)
To: D-FLOOR@LISTS.SENATE.GOV
Subject: Floor Update: Senate passes H.R.2576, TSCA

The Senate passed by voice vote Cal. #143, H.R.2576, TSCA Modernization Act, as amended with an Inhofe substitute amendment.

From: D-ADMINISTRATION [mailto:D-ADMINISTRATION@DEMOCRATIC-MESSAGE-CENTER.SENATE.GOV] On Behalf Of Tinsley, Daniel (Dem-Floor)
Sent: Thursday, December 17, 2015 5:52 PM
To: D-ADMINISTRATION@DEMOCRATIC-MESSAGE-CENTER.SENATE.GOV
Subject: Floor Update: Brown objects to Moran consent request

Senator Moran asked unanimous consent that the Senate take up and pass Calendar #220, S.248, Tribal Labor Sovereignty Act.

Senator Brown objected to the request.

Unofficial Transcript:

MR. BROWN: MR. PRESIDENT, I RESERVE THE RIGHT TO OBJECT.

THE PRESIDING OFFICER: THE SENATOR FROM OHIO.

MR. BROWN: THANK YOU. I WILL BRIEFLY EXPLAIN THE REASONS THAT I AM RESERVING THE RIGHT TO OBJECT. I, FIRST OF ALL, THANK YOU, SENATOR MORAN. I WANT TO SAY AS A FELLOW MEMBER OF THE BANKING COMMITTEE, WHILE I DISAGREE WITH HIM ON THIS ISSUE, I HAVE -- WE HAVE FOUND MANY THINGS TO WORK WITH TOGETHER ON, AND I'M VERY APPRECIATIVE OF THAT. AS SENATOR MORAN, I STRONGLY SUPPORT TRIBAL SOVEREIGNTY AS I KNOW PROBABLY VIRTUALLY EVERYBODY IN

THIS BODY DOES, BUT THIS BILL FRANKLY ISN'T ABOUT TRIBAL SOVEREIGNTY. IT'S ABOUT UNDERMINING LABOR LAW THAT PROTECTS THE RIGHTS OF WORKERS TO ORGANIZE AND COLLECTIVELY BARGAIN. WE HAVE A MIDDLE CLASS IN THIS COUNTRY IN LARGE PART BECAUSE SINCE THE 1930'S SINCE HUGO BLACK SAT AT THIS DESK AND SENATOR WAGNER SAT AT ANOTHER DESK IN THIS CHAMBER AND WROTE COLLECTIVE BARGAINING LAWS WE KNOW WHAT THAT'S DONE TO RAISE WEALTH MOTT JUST -- NOT JUST FOR UNION WEALTH BUT OTHERS ALSO. THIS BILL SEEKS TO OVERTURN THE DECISION. THE BOARD METHODICALLY EVALUATED WHEN THEY DO AND DON'T HAVE JURISDICTION ON TRIBAL LANDS BY USING A VERY CAREFULLY CRAFTED TEST TO ENSURE THAT THE BOARD'S JURISDICTION WOULD NOT VIOLATE TRIBAL RIGHTS AND WOULD NOT INTERFERE AN EXCLUSIVE RIGHT TO SELF-GOVERNANCE. WE SUPPORT THAT. IN THE JUNE 2015 DECISION, THE NLRB EMPLOYED THE TEST. THEY DID NOT ASSERT JURISDICTION IN A LABOR DISPUTE ON TRIBAL LANDS. INSTEAD THIS BILL IS PART OF AN AGENDA TO UNDERMINE THE RIGHTS OF AMERICAN WORKERS, INCLUDING 600,000 -- 600,000 EMPLOYEES OF TRIBAL CASINOS, 75% OF THOSE EMPLOYEES ARE NONINDIANS. COURTS HAVE UPHELD THE APPLICATION OF THE TRIBES OF FEDERAL EMPLOYMENT LAWS INCLUDING THE FAIR LABOR STANDARDS ACT, THE OCCUPATIONAL SAFETY AND HEALTH ACT, THE EMPLOYMENT RETIREMENT ACT AND INCOME SECURITY ACT, THAT'S OSHA AND ERISA AND TITLE 3 OF THE AMERICANS WITH DISABILITIES ACT, ALL VERY IMPORTANT TO PROTECT PEOPLE, PROTECT WORKERS AND CITIZENS. IN ADDITION TO HARMING THE THOUSANDS OF ORGANIZED WORKERS IN COMMERCIAL CASINOS, THIS BILL WOULD ESTABLISH A DANGEROUS PRECEDENT TO WEAKEN STANDARDS ON TRIBAL LANDS. FOR THESE REASONS, MR. PRESIDENT, I OBJECT.

From: D-ADMINISTRATION [<mailto:D-ADMINISTRATION@DEMOCRATIC-MESSAGE-CENTER.SENATE.GOV>] **On Behalf Of** Tinsley, Daniel (Dem-Floor)
Sent: Thursday, December 17, 2015 1:18 PM
To: D-ADMINISTRATION@DEMOCRATIC-MESSAGE-CENTER.SENATE.GOV
Subject: Floor Update: Senate agreement on Omnibus

The Senate has reached an agreement that results in a series of roll call votes to complete action on the Omnibus. When the Senate receives a message from the House to accompany H.R. 2029, the Majority Leader will be recognized to make a motion to concur in the House amendments.

Senators will be notified when the first vote in this series is scheduled, but we anticipate up to 4 roll call votes in the morning on Friday, December 18:

1. Motion to invoke cloture on the motion to concur in the House amendments to the Senate amendment to H.R.2029 (Omnibus); *if motion to table is made, then*
2. Motion to table the first amendment (Omnibus) to the Senate amendment to H.R.2029; *if budget point of order is raised, then*
3. Motion to waive budget points of order with respect to H.R.2029; and

4. Motion to concur in the House amendments to the Senate amendment to H.R.2029.

Dan Tinsley
Floor Assistant to Senate Democratic Leader Harry Reid
Daniel_Tinsley@dem-floor.senate.gov

Please visit the following website to view floor updates, roll call vote tallies, and the Senate schedule:
<http://democrats.senate.gov/floor/>

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[&*TICKET_URL\(D-ADMINISTRATION,SIGNOFF\);](#)

Message

From: Repko, Mary Frances [Mary.Frances.Repko@mail.house.gov]
Sent: 5/18/2016 12:57:48 AM
To: Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fd3eb96e8b78-Distefano,]; DeGraff, Kenneth [kenneth.degraff@mail.house.gov]
CC: Haman, Patricia [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0ebb27cd881d41b19a30a491dc3f3f57-phaman]; Brown, Tristan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2524f58c2f0442cbbd025cdcbd4d1f7e-Hilton, Tri]; Lewis, Josh [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b22d1d3bb3f84436a524f76ab6c79d7e-JOLEWIS]; Davis, Matthew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=84111ec08c504b6baae0510b2d2ce46a-Davis, Matthew]
Subject: RE: Heads-up Call

Ok here.

-----Original Message-----

From: Distefano, Nichole [mailto:Distefano.Nichole@epa.gov]
Sent: Tuesday, May 17, 2016 8:57 PM
To: DeGraff, Kenneth
Cc: Repko, Mary Frances; Haman, Patricia; Brown, Tristan; Lewis, Josh; Davis, Matthew
Subject: Re: Heads-up Call

Anytime. No too late. 15 min?

Sent from my iPhone

> On May 17, 2016, at 8:56 PM, DeGraff, Kenneth <kenneth.degraff@mail.house.gov> wrote:

>

> When are you thinking?

>

> +-+--+--+--+--+--+--+--+

> Kenneth DeGraff

> Democratic Leader Nancy Pelosi

>

>> On May 17, 2016, at 8:56 PM, Distefano, Nichole <Distefano.Nichole@epa.gov> wrote:

>>

>> Mary Frances

>>

>> I can get Ben on the phone tonight if that works for you and Kenneth.

>>

>> Sent from my iPhone

>>

>>> On May 17, 2016, at 8:21 PM, Repko, Mary Frances <Mary.Frances.Repko@mail.house.gov> wrote:

>>>

>>> Pat, Kenneth and I have a serious constraint at 8:15 am. We have our Ranking Members meeting at which TSCA will be front and center. Any way we can get read in either tonight or earlier tomorrow? Thanks, Mary Frances

>>>

>>> -----Original Message-----

>>> From: Haman, Patricia [mailto:Haman.Patricia@epa.gov]

>>> Sent: Tuesday, May 17, 2016 7:32 PM

>>> Cc: Distefano, Nichole; Brown, Tristan; Lewis, Josh; Davis, Matthew

>>> Subject: Heads-up Call

>>>

>>> Tomorrow morning, Wednesday, May 18th, at 8 am there will be a telephone briefing on an upcoming announcement that you are invited to participate in. You will receive the call-in information a short while before the call.

>>> Please do not share this information nor the call-in information when you receive it with anyone else.

>>> We look forward to talking to you tomorrow.

>>> Pat

>>>

>>> Sent from my iPhone

Message

From: Repko, Mary Frances [Mary.Frances.Repko@mail.house.gov]
Sent: 5/20/2016 1:48:26 AM
To: Deese, Brian C. (b) (6); Rosenbaum, Amy (b) (6); Trent Bauserman (b) (6); Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fdc3eb96e8b78-Distefano,]
Subject: TSCA
Attachments: removed.txt

Kenneth and I have just called Ryan to tell him that we have a deal on the Senate's last offer that gets Pelosi, Hoyer, and Pallone. We are hoping we get Tonko in the morning. He may still be a no, but we want to give him that shot to get to his conclusion. We want those details to remain closed in any announcement or leak to the press until we file at 10 so he has that opportunity.

Mary Frances Repko
Senior Policy Advisor, Energy, Environment, and Manufacturing
The Honorable Steny H. Hoyer
Democratic Whip
U.S. House of Representatives
H-148, The Capitol
Washington, DC 20515

Phone: 202-225-3130
Fax: 202-226-0663
<http://DemocraticWhip.gov>



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Message

From: Repko, Mary Frances [Mary.Frances.Repko@mail.house.gov]
Sent: 5/20/2016 2:03:57 AM
To: Rosenbaum, Amy D. EOP/WHO (b) (6)
CC: Deese, Brian C. C. EOP/WHO (b) (6); Bauserman, Trent D. EOP/WHO (b) (6); Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fd3eb96e8b78-Distefano,]
Subject: RE: TSCA

Also, will advise that it cannot include substantive changes beyond what we have seen.

-----Original Message-----

From: Rosenbaum, Amy D. EOP/WHO (b) (6)
Sent: Thursday, May 19, 2016 9:55 PM
To: Repko, Mary Frances
Cc: Deese, Brian C. C. EOP/WHO; Bauserman, Trent D. EOP/WHO; Distefano, Nichole
Subject: Re: TSCA

MF. You are a star

Sent from my iPhone

On May 19, 2016, at 9:48 PM, Repko, Mary Frances
<Mary.Frances.Repko@mail.house.gov<mailto:Mary.Frances.Repko@mail.house.gov>> wrote:

Kenneth and I have just called Ryan to tell him that we have a deal on the Senate's last offer that gets Pelosi, Hoyer, and Pallone. We are hoping we get Tonko in the morning. He may still be a no, but we want to give him that shot to get to his conclusion. We want those details to remain closed in any announcement or leak to the press until we file at 10 so he has that opportunity.

Mary Frances Repko
Senior Policy Advisor, Energy, Environment, and Manufacturing The Honorable Steny H. Hoyer Democratic Whip U.S. House of Representatives H-148, The Capitol Washington, DC 20515

Phone: 202-225-3130

Fax: 202-226-0663

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Message

From: Repko, Mary Frances [Mary.Frances.Repko@mail.house.gov]
Sent: 5/20/2016 5:12:57 PM
To: Bauserman, Trent D. EOP/WHO (b) (6) Distefano, Nichole
[/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fd3eb96e8b78-Distefano,]; Rosenbaum, Amy D.
EOP/WHO (b) (6)
Subject: RE: TSCA Posted

To clarify, we'd need to post a Manager's at 5 pm.

-----Original Message-----

From: Bauserman, Trent D. EOP/WHO (b) (6)
Sent: Friday, May 20, 2016 1:11 PM
To: Repko, Mary Frances; Distefano, Nichole; Rosenbaum, Amy D. EOP/WHO
Subject: RE: TSCA Posted

TY

-----Original Message-----

From: Repko, Mary Frances [mailto:Mary.Frances.Repko@mail.house.gov]
Sent: Friday, May 20, 2016 1:09 PM
To: Bauserman, Trent D. EOP/WHO (b) (6) Distefano, Nichole
<Distefano.Nichole@epa.gov>; Rosenbaum, Amy D. EOP/WHO <(b) (6)>
Subject: TSCA Posted

><https://rules.house.gov/bill/114/hr-2576-sa><

We need to all read. Time is short for a Manager's amendment.

Mary Frances Repko

Senior Policy Advisor, Energy, Environment, and Manufacturing

The Honorable Steny H. Hoyer

Democratic Whip

U.S. House of Representatives

H-148, The Capitol

Washington, DC 20515

Phone: 202-225-3130

Fax: 202-226-0663

><http://DemocraticWhip.gov><

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Message

From: Repko, Mary Frances [Mary.Frances.Repko@mail.house.gov]
Sent: 5/20/2016 5:32:31 PM
To: Bauserman, Trent D. EOP/WHO (b) (6) Distefano, Nichole
[/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fdcf3eb96e8b78-Distefano,]; Rosenbaum, Amy D.
EOP/WHO (b) (6)
Subject: RE: TSCA Posted

That isn't a deal. No one has offered it to us. I am frantic because the posted text has the workplan chemicals fix drafted incorrectly.

-----Original Message-----

From: Bauserman, Trent D. EOP/WHO (b) (6)
Sent: Friday, May 20, 2016 1:31 PM
To: Repko, Mary Frances; Distefano, Nichole; Rosenbaum, Amy D. EOP/WHO
Subject: RE: TSCA Posted

Let us know how we can help you in your efforts to land this. We're tracking the deal on the table on pause re: low priority/low hazard.

-----Original Message-----

From: Repko, Mary Frances [mailto:Mary.Frances.Repko@mail.house.gov]
Sent: Friday, May 20, 2016 1:13 PM
To: Bauserman, Trent D. EOP/WHO (b) (6) Distefano, Nichole
<Distefano.Nichole@epa.gov>; Rosenbaum, Amy D. EOP/WHO (b) (6)
Subject: RE: TSCA Posted

To clarify, we'd need to post a Manager's at 5 pm.

-----Original Message-----

From: Bauserman, Trent D. EOP/WHO (b) (6)
Sent: Friday, May 20, 2016 1:11 PM
To: Repko, Mary Frances; Distefano, Nichole; Rosenbaum, Amy D. EOP/WHO
Subject: RE: TSCA Posted

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From: Repko, Mary Frances [mailto:Mary.Frances.Repko@mail.house.gov]
Sent: Friday, May 20, 2016 1:09 PM
To: Bauserman, Trent D. EOP/WHO (b) (6) > Distefano, Nichole
<Distefano.Nichole@epa.gov>; Rosenbaum, Amy D. EOP/WHO (b) (6)
Subject: TSCA Posted

>><https://rules.house.gov/bill/114/hr-2576-sa><<

We need to all read. Time is short for a Manager's amendment.

Mary Frances Repko

Senior Policy Advisor, Energy, Environment, and Manufacturing

The Honorable Steny H. Hoyer

Democratic Whip

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From: Repko, Mary Frances [Mary.Frances.Repko@mail.house.gov]
Sent: 5/24/2016 12:48:53 AM
To: Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fd3eb96e8b78-Distefano,]
Subject: TSCA
Attachments: removed.txt

Nichole, I just wanted to extend a thanks to you and to all the agency staff who really worked tirelessly and late into the night many nights, but especially last night, on TSCA. We couldn't have gotten a bill without you. For those that want to watch the floor, I thought I'd provide this for staff. And, again, we are so grateful for everything you do! -Mary Frances

10:00 a.m. Morning Hour
12:00 p.m. Legislative Business

15 one minutes
Debate the Rule for TSCA+"Zika Vector" bill
Debate the Rule for Energy and Water Approps
Vote PQ+adoption of Rule+PQ+adoption of Rule+Intel Auth
Debate TSCA (1 hour)
Debate "Zika Vector" (1 hour)
Vote recommit and passage "Zika Vector"+Passage of TSCA

**Following last votes we will begin consideration of Energy and Water approps

First votes: 2:30 - 3:30 p.m.
Last votes: 5:00 - 6:00 p.m.

Mary Frances Repko
Senior Policy Advisor, Energy, Environment, and Manufacturing
The Honorable Steny H. Hoyer
Democratic Whip
U.S. House of Representatives
H-148, The Capitol
Washington, DC 20515

Phone: 202-225-3130
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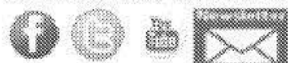
Message

From: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Sent: 5/19/2016 4:27:29 PM
To: Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fd3eb96e8b78-Distefano,]; Harding, Stephenne S. EOP/CEQ (b) (6) (b) (6); Trenton Bauserman - White House Council on Environmental Quality (b) (6) (b) (6)
Subject: FW: AAJ Statement on TSCA Reform
Attachments: AAJ Statement on TSCA Reform.pdf

Making sure you all have

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey



From: Rogers, Andrew [mailto:Andrew.Rogers@justice.org]
Sent: Thursday, May 19, 2016 11:49 AM
To: Rogers, Andrew
Subject: AAJ Statement on TSCA Reform

Good morning,

A statement from AAJ CEO Linda Lipsen on today's announcement of a deal to reform the Toxic Substances Control Act is attached and copied below.

Thank you.

Andrew C. Rogers
Senior Federal Relations Counsel, Public Affairs
American Association for Justice (AAJ)
777 6th Street NW | Washington, DC 20001
Direct: 202-684-9551
Email: andrew.rogers@justice.org



For Immediate Release

Date: May 19, 2016

Contact: Sarah Jones

American Association for Justice

202-944-2853

sarah.jones@justice.org

AAJ Statement on Deal to Reform Toxic Substances Control Act

Washington, DC- *The following is a statement from American Association for Justice CEO Linda Lipsen on today's announcement that the U.S. Senate and U.S. House of Representatives have reached a compromise to reform the Toxic Substances Control Act (TSCA). Both chambers are expected to vote on the bill next week.*

"As an association of advocates for workers, consumers, and families harmed by toxic chemicals, the American Association for Justice (AAJ) commends the efforts of members of both the House and Senate to reform the Toxic Substances Control Act (TSCA) to better protect against dangerous chemicals that pose significant and often deadly risks to human health and the environment.

"This compromise marks a significant step toward improving our broken federal chemical regulatory system while allowing states to act to protect their citizens from dangerous toxic chemicals, and ensures that American families, consumers, and workers can hold corporations accountable when their products cause harm.

"As policy makers work to finalize further improvements to this legislation, we stand ready to support this effort to enact meaningful TSCA reform."

###

The American Association for Justice works to preserve the constitutional right to trial by jury and to make sure people have a fair chance to receive justice through the legal system when they are injured by the negligence or misconduct of others-even when it means taking on the most powerful corporations. Visit <http://www.justice.org>.



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Date: May 19, 2016

Contact: Sarah Jones

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Message

From: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Sent: 5/19/2016 9:28:17 PM
To: Jones, Jim [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c32c4b9347004778b0a93a4cbd83fc8a-JJONES1]; Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fdcf3eb96e8b78-Distefano,]
Subject: Quickly

With respect to subsections (a)(1)(B) and (b), the hazards, exposures, risks, and uses or conditions of use of such chemical substance, consistent with the scope of the risk evaluation under section 6(b)(4)(D).

I tried to trade him for exempting manu_requested RES from pause but for some reason he wouldn't go for it. :-)

Thx.

Michal Ilana Freedhoff, Ph.D.
Director of Oversight and Investigations
Office of Senator Edward J. Markey (D-MA)

Message

From: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Sent: 5/20/2016 5:51:25 PM
To: Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fd3eb96e8b78-Distefano,]
Subject: RE: will you guys be sure to do a totally thorough x-ref check?

This one that I just sent MF?

I am confused by their drafting on the preemption fix.

"(1) IN GENERAL.-Except as provided in subsections (c), (d), (e), (f), and (g), beginning on the date on which the Administrator defines the scope of a risk evaluation for a chemical substance under section 6(b)(4)(D) and ending on the date on which the deadline established pursuant to section 6(b)(4)(G) for completion of the risk evaluation expires, or on the date on which the Administrator publishes the risk evaluation under section 6(b)(4)(C), whichever is earlier, no State or political subdivision of a State 16 may establish a statute, criminal penalty, or administrative action prohibiting or otherwise restricting 18 the manufacture, processing, distribution in commerce, or use of such chemical substance that is a high-priority substance designated under 6(b)(1)(B)(i), such chemical substance that has been identified under section 6(b)(2)(A) (except for the first 10 chemical substances so identified), or such chemical substance that has been selected for risk evaluation under section 6(b)(4)(E)(iv)(II).

Section 6(b)(2)(A) says

"(2) INITIAL RISK EVALUATIONS AND SUBSEQUENT DESIGNATIONS OF HIGH- AND LOW-PRIORITY SUBSTANCES.- "(A) INITIAL RISK EVALUATIONS.-Not later than 180 days after the date of enactment of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, the Administrator shall ensure that risk evaluations are being conducted on at least 10 chemical substances drawn from the 2014 update of the TSCA Work Plan for Chemical Assessments and shall publish the list of such chemical substances during the 180 day period.

The edit they were supposed to make read this way (and what I sent you)

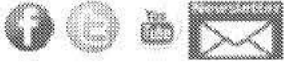
"(1) IN GENERAL.-Except as provided in subsections (c), (d), (e), (f), and (g), beginning on the date on which the Administrator defines the scope of a risk evaluation for a chemical substance under section 6(b)(4)(D) and ending on the date on which the deadline established pursuant to section 6(b)(4)(G) for completion of the risk evaluation expires, or on the date on which the Administrator publishes the risk evaluation under section 6(b)(4)(C), whichever is earlier, no State or political subdivision of a State 16 may establish a statute, criminal penalty, or administrative action prohibiting or otherwise restricting 18 the manufacture, processing, distribution in commerce, or use of such chemical substance that is a high-priority substance designated under 6(b)(1)(B)(i), ~~such chemical substance that has been identified under section 6(b)(2)(A),~~ or such chemical substance that has been selected for risk evaluation under section 6(b)(4)(E)(iv)(II).

Pasting what I sent you originally (obviously page/lines are wrong now) Page 4, lines 4 and 5: strike: ", such chemical substance that has been identified under section 6(b)(2)(A)" (exempts first 10 WP chemicals from pause)

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Washington, DC 20510

202-224-2742

Connect with Senator Markey



From: Distefano, Nichole [mailto:DiStefano.Nichole@epa.gov]
Sent: Friday, May 20, 2016 1:50 PM
To: Freedhoff, Michal (Markey)
Subject: Re: will you guys be sure to do a totally thorough x-ref check?

We are but are you tracking an issue with 10 wk pln. We are looking at now.

Sent from my iPhone

On May 20, 2016, at 1:42 PM, Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov> wrote:

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
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202-224-2742

Connect with Senator Markey

Message

From: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Sent: 5/21/2016 7:03:20 PM
To: Kaiser, Sven-Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ac78d3704ba94edbbd0da970921271ff-SKAISER]; Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fdcf3eb96e8b78-Distefano,]
Subject: Fw: 12 months for manufacturer-requested risk evaluations

Because hope springs eternal. :-) can you pls take a look when you're done with other pending requests?

Thx
M

Michal Ilana Freedhoff, Ph.D.
Director of Oversight and Investigations
Office of Senator Edward J. Markey (D-MA)

1) 6 months for notice and comment and decision-making- this is from S697 as passed

"(A) IN GENERAL.-The public shall be provided notice and an opportunity to comment on requests submitted under this subsection.

"(B) DECISION BY ADMINISTRATOR.-Not later than 180 days after the date on which the Administrator receives a request under this subsection, the Administrator shall decide whether or not to grant the request.

Suggested edits to conform to current text: Page 47 line 11 add a new "(v) The rulemaking required in subparagraph (B) shall ensure that the time required for the Administrator to decide whether to grant a request under subparagraph (C)(ii) be no shorter than six months, and that the public is provided with notice and an opportunity for comment on each such request upon its receipt by the Administrator".

2) 6 months in scoping

Page 44 starting on line 24

"(D) SCOPE.-The Administrator shall, not later than 6 months after the initiation of a risk evaluation, publish the scope of the risk evaluation to be conducted, including the hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations the Administrator expects to consider, and, for each designation of a high-priority substance, ensure not less than 12 months between the initiation of the prioritization process for the chemical substance and the publication of the scope of the risk evaluation for the chemical substance, and for risk evaluations conducted on chemical substances that have been-identified under paragraph (2)(A) or selected under subparagraph (E)(iv)(II) of this paragraph, ensure not less than 3 6 months before the Administrator publishes the scope of the risk evaluation.

Message

From: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Sent: 5/22/2016 4:04:50 PM
To: Kaiser, Sven-Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ac78d3704ba94edbbd0da970921271ff-SKAISER]; Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fdcf3eb96e8b78-Distefano,]
Subject: Fw: low priority/low hazard in section 6

Same Q as last time

- 1) Return to the Senate definition of low priority substance, and delete all references to section 6 low hazard
 - . Change page 38 line 7-16 to read "The Administrator shall designate as a low-priority substance a chemical substance that the Administrator concludes, based on sufficient information, without consideration of costs or other non-risk factors, that the chemical substance is likely not to present an unreasonable risk of injury to health or the environment under the conditions of use, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator."
 - . Page 38 line 17 - page 39 line 3 - delete
 - . Page 41 line 12 - delete "or low-hazard"
 - . Page 43 line 7 - delete "or a low-hazard substance"
 - . Page 143 line 19, delete "or (iii)"

Message

From: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Sent: 5/22/2016 10:15:59 PM
To: Trenton Bauserman (b) (6); Stephenne Harding
(b) (6)
CC: Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fdcf3eb96e8b78-Distefano,]
Subject: Will present - argument

"Will present" was removed from the Senate bill by the creation of the "safety standard", which was a present-tense-only thing. SCHF/NRDC requested the "safety standard" change - so the deletion of "will present" from the Senate text is actually because of them.

However, the future tense is re-inserted, both in the Senate bill, and in the RCP draft, via the definition of "conditions of use", which I've pasted below with relevant portions highlighted.

(4) The term 'conditions of use' means the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of."

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Office of Senator Edward J. Markey (D-MA)

Message

From: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Sent: 5/23/2016 12:09:11 AM
To: Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fdcf3eb96e8b78-Distefano,]; Kaiser, Sven-Erik [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ac78d3704ba94edbbd0da970921271ff-SKAISER]
Subject: Quick TA

- how many citizen suit petitions have ever been brought under tsca and what was disposition?
- what about under CAA? How many non-deadline suits have been won?
- shd I be thinking about other epa statutes?

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